

App. No. 09/489,597
Response C
Page 2

REMARKS

Applicants have not amended any claims, and thus, eighteen claims remain pending, claims 1-18. Applicants respectfully request reconsideration of claims 1-18 in view of the remarks below.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Examiner Interview Summary

Applicants thank Examiner Bashore for participating in an Examiner Interview. Per 37 CFR § 133(b), the following is a summary of the Examiner interview conducted on July 15, 2005 via telephone between Examiner Bashore and Applicants' representative, Steven M. Freeland, Attorney of Record. The cited U.S. Patent No. 6,161,132 to Roberts et al. (herein after "the Roberts patent") was discussed as it was applied to claim 1. In discussing the Roberts patent, Applicants' representative stressed that the Roberts patent does not provide simultaneous playback unless a chat room session is active as pointed out by the Examiner in the pending office action stating "if a chat room exists and is open with another client, the server will allow joining..." (office action, page 4, at about lines 15-16). Claim 1 recites, for example, "determining whether each request is received during a predefined threshold period prior to the simultaneous playback of the event." The Roberts patent, however, does not "determine whether requests are received during a threshold prior to playback" because according to the Roberts patent the chat room must be active when simultaneous playback occurs, and thus the Roberts patent does not teach "determining whether each requests are received during a predefined threshold."

App. No. 09/489,597
Response C
Page 3

Further, the Roberts patent describes coordinating playback to occur when the chat room is active, and the Roberts patent does not "determine whether each request is received during a predefined threshold period prior to the simultaneous playback of the event" as recited in claim 1 (emphasis added). Instead, the Roberts patent only describes adding users to an already active chat room as requests are received.

Still further, Applicants' representative demonstrated that the Roberts patent does not teach at least "sending commands to the corresponding client apparatus for beginning playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period" as recited in claim 1 (emphasis added). The Examiner in the pending office action equated the claimed "predefined threshold period" to that of a "predefined threshold period of acquisition is the time during the active participation of said chat room (the time during the chat room)." (Office action, page 3, at about lines 22-24). It was further demonstrated that the Roberts patent only receives requests during "the active participation of said chat room" because the chat room has to be active. Therefore, because the Roberts patent receives requests "during the active participation of said chat room" the Roberts patent would never send "commands to the corresponding client apparatus for beginning playback ... for those requests not received during the threshold period" as recited in claim 1 (emphasis added), because Roberts would not send commands to requests not received "during the active participation".

No amendments were suggested, no exhibits or demonstrations were presented, and no agreement was reached. Alternatively, Examiner Bashore requested that the arguments presented during the interview be submitted in writing.

Information Disclosure Statements

Additional Information Disclosure Statements (IDS) were submitted on September 3, 2004 citing ten (10) references, October 27, 2004 citing one (1) reference, and

App. No. 09/489,597
Response C
Page 4

January 28, 2005 citing five (5) references. Applicants respectfully request that the Examiner consider the cited references, initial and sign the forms and return the initialed and signed forms.

Claim Rejections - 35 U.S.C. §103

1. The Examiner has again rejected claims 1-18 under 35 U.S.C. §103(a) citing U.S. Patent No. 6,161,132 (Roberts et al.). Applicants respectfully traverse these rejections as the Roberts patent does not teach each element as recited in at least the independent claims 1, 7 and 13. For example, independent claim 1 recites in part:

receiving requests prior to a start time from each of the client apparatuses to simultaneous playback the event;
identifying a type of the playback device of each of the client apparatuses;
looking up a command associated with the identified type of the playback device;
determining whether each request is received during a predefined threshold period prior to the simultaneous playback of the event; and
sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period, and sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period.

As such, claim 1 provides for the determination of whether requests are received during a threshold period that is prior to the simultaneous playback. The Roberts patent does not teach or suggest at least "determining whether each request is received during a predefined threshold period prior to the simultaneous playback of the event" as recited in claim 1. Instead, the Roberts patent only provides coordinated playback when a chat room session is active as pointed out by the Examiner in the pending office action stating "if a chat room exists and is open with another client, the server will allow joining..." (office action, page 4, at about lines 15-16). Therefore, the Roberts patent does not teach a threshold period prior to the simultaneous event as claimed and does not determine whether requests are received during the threshold period prior to playback, and instead joins users upon receipt of requests.

App. No. 09/489,597
Response C
Page 5

Further, the Examiner in support of the rejection of claim 1 suggests that the Roberts patent describes a "predefined threshold period of acquisition [as] the time during the active participation of said chat room." (see the Office Action, page 3, lines 23-24, emphasis added). Therefore, this is during the event, and thus the threshold period is not prior to the simultaneous playback of the event" as claimed, but instead during the event. As such, the Roberts patent does not teach each element of independent claim 1.

Claim 1 additionally recites "sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period." The Roberts patent fails to describe or suggest dealing with requests not received during the threshold period. Alternatively, the office action suggests that the threshold period of Roberts is "the predefined threshold period of acquisition is the time during the active participation of said chat room (time during the chat room)." (Office Action, page 4, lines 16-18). As such, the requests have to be received "during the active participation" because, as the Examiner points out, the chat room must be active for coordinated playback (Office Action, page 4, line 15). Therefore, the Roberts patent does not teach beginning playback for requests not received during the threshold period.

Still further, Applicants respectfully submit the Roberts patent does not teach at least "beginning the playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period." The Roberts patent fails to teach or suggest beginning playback for requests not received during the threshold, but instead describes joining users when requests are received. Again, the Examiner has indicated that Roberts describes a threshold period as "the time during the active participation." Therefore, all requests in Roberts are going to be received "during active participation" because the chat room must be active for coordinated playback. Therefore, the Roberts patent does not teach or suggest each element of at least independent claim 1, and thus claim 1 is not obvious in view of the Roberts patent.

App. No. 09/489,597
Response C
Page 6

Independent claims 7 and 13 include language that is similar to claim 1. As such, the arguments presented above with respect to claim 1 can similarly be applied to claims 7 and 13. Therefore, claims 7 and 13 are also not obvious in view of the Roberts patent.

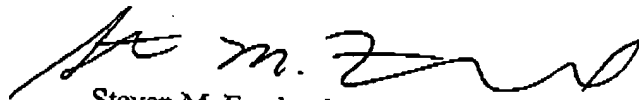
Similarly, claims 2-6, 8-12 and 14-18 depend from independent claims 1, 7 and 13 respectively. Therefore, claims 2-6, 8-12 and 14-18 are also not obvious for at least their dependency on claims 1, 7 and 13.

CONCLUSION

Applicants submit that the above remarks demonstrate that the pending claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: 8-4-05

Respectfully submitted,



Steven M. Freeland
Reg. No. 42,555
Attorney for Applicants
(858) 552-1311

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebens
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

420687_1(68625amc)